

U.S. Department of Labor
Employment and Training Administration
Fact Sheet

If Imports Cost You Your Job . . . Apply for Trade Adjustment Assistance

TRADE ADJUSTMENT ASSISTANCE

The Trade Adjustment Assistance (TAA) program is a federal entitlement program established under the Trade Act of 1974, as amended. The TAA Program provides aid to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports.

Workers whose employment is adversely affected by increased imports may apply for TAA. TAA offers a variety of benefits and reemployment services to assist unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, job search and relocation allowances, income support and other reemployment services.

The TAA program is administered by the Employment and Training Administration of the U.S. Department of Labor. States serve as agents to the Labor Department in administering the TAA program.

HOW TO APPLY

A Petition for TAA may be filed by a group of three or more workers, their union or a company official. Petition forms may be obtained from the local State Employment Security Agency or from any agency designated by the governor to provide reemployment services under the TAA program; or you can phone 202-693-3555 or write to the U.S. Department of Labor, Employment and Training Administration, Division of Trade Adjustment Assistance, Room C-5311, 200 Constitution Ave. N.W., Washington, D.C. 20210.

Petitioners should complete and sign the petition and send it directly to U.S. Department of Labor at the abovementioned address. If a petition is filed by a union or company official, only one petitioner signature is required. Otherwise, the petition must be signed by at least three workers.

To be eligible for TAA benefits, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the "Impact Date" and before the ending date of certification.

Once your worker group has been certified by the U.S. Department of Labor, go to the nearest local office of your State Unemployment Insurance (UI) agency and file an application for a determination of your individual eligibility for TAA. Your application will be taken by a staff member of the State UI agency and a determination made as to whether you are eligible.

Each State has designated an agency to administer the TAA program. Ordinarily, this agency is the State Employment Security agency; if not, the local office staff of the State unemployment insurance agency will be able to direct you to the designated agency.

ESTABLISHING ELIGIBILITY FOR TAA

All Petitions for TAA are filed with OTAA. OTAA has sole responsibility for conducting a fact finding investigation to determine whether group eligibility criteria have been met and issues an official notice of its decision no later than 60 days after receiving the petition.

In order for the U.S. Department of Labor to issue a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance, the following requirements must be met:

- (1) That workers have been totally or partially laid off, and
- (2) That sales or productions have declined, and
- (3) That increased imports have contributed importantly to worker layoffs.

Once the U.S. Department of Labor issues a Certification Regarding Eligibility, trade affected workers may apply for benefits under the TAA program.

When a determination by the U.S. Department of Labor states that workers who petitioned do not meet the eligibility requirements under this program, workers may obtain benefits and services from other job training programs such as the Economic Dislocation and Worker Adjustment Assistance, under Title I of the Workforce Investment Act (WIA).

APPEAL RIGHTS

Workers whose petitions for TAA are denied by the U.S. Department of Labor may request administrative reconsideration of the U.S. Department of Labor's finding within 30 days after publication of the final determination in the *Federal Register*.

The request for reconsideration must be in writing, including the name of the company, the TAA investigation number, and a description of the group of workers on whose behalf the petition was filed, and must cite specific reasons why the workers consider the decision to be in error, either according to the facts, the interpretation of the facts, or the law itself. Requests for reconsideration should be mailed to the U.S. Department of Labor, Division of Trade Adjustment Assistance, 200 Constitution Ave., N.W., Room C-5311, Washington, D.C. 20210, (202) 693-3555.

Workers may also file an appeal seeking judicial review of the U.S. Department of Labor's negative determination or redetermination within 60 days of publication of the denial in the *Federal Register*. Appeals for judicial review must be filed with the Office of the Clerk, U.S. Court of International Trade, One Federal Plaza, New York, New York 10007, (212) 264-7090.

PROGRAM BENEFITS

The TAA program emphasizes a comprehensive, timely array of retraining and reemployment services tailored to meet the needs of the individual workers. Major activities and services include:

Training for employment in another job or career. Workers may receive up to 104 weeks of approved training in occupational skills, basic or remedial education, or training in literacy or English as a second language.

Income Support known as trade readjustment allowances (TRA) are weekly cash payment available for 52 weeks after a worker's unemployment compensation (UC) benefit is exhausted and during the period in which a worker is participating in an approved full-time training program. Income Support is a combination of UC and TRA benefits for a maximum of 78 weeks (26 weeks for UC and 52 weeks for TRA).

Job Search Allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area.

Relocation Allowances provide reimbursement for approved expenses if you are successful in obtaining employment outside your normal commuting area for you to relocate to your new area of employment.

BENEFITS APPEAL RIGHTS

Workers must meet individual eligibilities established under each benefit in order to receive such benefit. All benefits have different time constraints; therefore, workers must file application for such benefits on a timely basis. If, however, workers are not satisfied with the determination of their individual application, they have the same appeal rights as are provided under their State Unemployment Compensation Law. The determination notice which they receive after filing their application will explain their appeal rights and time limits for filing an appeal.

OTHER TRAINING OPPORTUNITIES AND REEMPLOYMENT SERVICES

If you do not qualify for TAA, there may be other training opportunities and reemployment services available in your community under Title I of the Workforce Investment Act (WIA). Information on the agency administering WIA services in your community should be listed in the telephone directory under such headings as Employment and Training Department or Human Resources Department, or you can obtain such information from the local office of the State Employment Service.

This is one of a series of fact sheets highlighting U.S. Department of Labor programs. It is intended as a general description only and does not carry the force of legal opinion.